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8 **BEFORE THE**
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 836-A

13 RICHARD H. CHASEY, JR.
P.O. Box 369
Big Bear City, CA 92314
Civil Engineer License No. C 32711

A C C U S A T I O N

14 Respondent.
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17 Complainant alleges:

18 PARTIES

19 1. David E. Brown (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Board for Professional Engineers and Land
21 Surveyors, Department of Consumer Affairs.

22 2. On or about July 15, 1981, the Board issued Civil Engineer License
23 Number C 32711 to Richard H. Chasey, Jr. (Respondent). The Civil Engineer License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on June
25 30, 2010, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board under the authority of the
28 following laws. All section references are to the Business and Professions Code (Code) unless

1 otherwise indicated.

2 4. Section 118, subdivision (b), of the Code provides that the expiration of a
3 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
4 period within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 125.3 of the Code provides, in pertinent part, that the Board may
6 request the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 6. Section 6775 of the Code states, in pertinent part, that

10 The board may reprove, suspend for a period not to exceed two years, or
11 revoke the certificate of any professional engineer registered under this chapter:

12 ...

13 (b) Who has been found guilty by the board of any deceit,
14 misrepresentation, or fraud in his or her practice.

15 (c) Who has been found guilty by the board of negligence or
16 incompetence in his or her practice.

17 7. Section 8780 of the Code states, in pertinent part, that

18 The board may receive and investigate complaints against licensed land
19 surveyors and registered civil engineers, and make findings thereon.

20 By a majority vote, the board may reprove, suspend for a period not to
21 exceed two years, or revoke the license or certificate of any licensed land
22 surveyor or registered civil engineer, respectively, licensed under this chapter or
23 registered under the provisions of Chapter 7 (commencing with Section 6700),
24 whom it finds to be guilty of:

25 a) Any fraud, deceit, or misrepresentation in his or her practice of land
26 surveying.

27 (b) Any negligence or incompetence in his or her practice of land
28 surveying.

... .

(d) Any violation of any provision of this chapter or of any other law
relating to or involving the practice of land surveying.

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8. California Code of Regulations, title 16, section 464 states, in pertinent part:

• • • •

(c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Negligence and/or Incompetence in the Practice of Engineering)

9. Respondent is subject to disciplinary action under sections 6775(c) and 8780(b) of the Code in that Respondent was negligent and incompetent in his practice of land surveying relating to a survey purporting to depict Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California, that was prepared on or about May 14, 1996. The circumstances are as follows:

10. Respondent signed and stamped a Corner Record Form dated May 14, 1996, however, Respondent did not file the subject corner record.

11. Respondent ignored the basic rules of surveying lots in subdivisions by failing to work between found valid points and prorating overages/shortages or by holding to credible found monuments.

12. Respondent ignored the basic rules of surveying lots in subdivisions by failing to take sufficient notice of a record of survey filed by the County Surveyor in 1985, showing poor knowledge of the subject.

13. In the May 14, 1996 survey, Respondent failed apply ordinary care in surveying lots in a subdivision. Respondent failed to show sufficient credible monumentation or measurements between points to establish the westerly boundary in question.

14. In or about December 2004, Respondent performed a re-survey of the subject lot, which deviated significantly from the May 14, 1996. The 2004 survey found the westerly rear line to be 8 feet easterly of the 1996 survey. The bearings of the sidelines on the lot changed by up to 7 ½ degrees and the lengths on the sidelines were shorter by up to 3 feet.

1 Upon further inspection, it was determined that the May 14, 1996 survey contained incorrect
2 information.

3 SECOND CAUSE FOR DISCIPLINE

4 (Misrepresentation)

5 15. Respondent is subject to disciplinary action under sections 6775(b) and
6 8780(a) of the Code in that Respondent misrepresented that the findings in the December 2004
7 "re-survey" were reflective of the findings made in the survey dated May 14, 1996 of Lot 238 of
8 the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California. The December 2004
9 survey was a corrected survey and was not reflective of the May 14, 1996 survey. The May 14,
10 1996 survey contained errors and omissions as set forth in paragraphs 10 through 14 above, and
11 incorporated herein as though fully set forth.

12 THIRD CAUSE FOR DISCIPLINE

13 (Failure to File Corner Record)

14 16. Respondent is subject to disciplinary action under section 8780(d) in that
15 he failed to file a corner record after performing a survey dated May 14, 1996 purporting to
16 depict Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California
17 project in violation of CCR section 464(c). The circumstances are set forth in detail in paragraph
18 9 and 10 above, and are incorporated herein as though fully set forth.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board for Professional Engineers and Land
4 Surveyors issue a decision:

5 1. Revoking or suspending Civil Engineer License Number C 32711, issued
6 to Richard H. Chasey, Jr.

7 2. Ordering Richard H. Chasey, Jr. to pay the Board for Professional
8 Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 125.3; and

10 3. Taking such other and further action as deemed necessary and proper.
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12 DATED: July 7, 2009
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15 Original Signed

16 DAVID E. BROWN

17 Executive Officer

18 Board for Professional Engineers and Land Surveyors

19 Department of Consumer Affairs

20 State of California

21 Complainant
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